

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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VICKY LER,  
Charging Party/Appellant,

HRB CASE NO. 0121015594

-v-

ORDER  
FINAL AGENCY DECISION

SAVAGE PUBLIC SCHOOLS,  
Respondent/Appellee.

\*\*\*\*\*

Charging Party, Vicky Ler (Ler), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age and marital status. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Ler's allegations that Respondent, Savage Public Schools, discriminated against Ler. The Department issued a Notice of Dismissal. Ler filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 13, 2013, and finalized its decision at a special meeting convened on March 28, 2013. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

*Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Ler's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Savage Public Schools.

DATED this 28<sup>th</sup> day of March, 2013.



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Cynthia Wolken, Acting Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 28<sup>th</sup> day of March, 2013.

VICKY LER  
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SAVAGE, MT 59262

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Annah Smith, Legal Secretary  
Montana Human Rights Bureau